

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION**

UNITED STATES OF AMERICA

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VS.

CR. 7:18-CR-1691

VIOLA ELIZABETH GARCIA

**“AMENDED”
MOTION TO SUPPRESS**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant **VIOLA ELIZABETH GARCIA’S**, custodial statements and for an evidentiary hearing.

COMES NOW THE DEFENDANT, VIOLA ELIZABETH GARCIA, by and through her attorney of record **RICHARD H. GARCIA** and offers the following:

On August 30, 2018, Officers from Mission Police Department and the F.B.I. interviewed Viola Elizabeth Garcia who had been arrested on the instant case and was being held at the Mission Jail.

Viola Elizabeth Garcia was mirandized and she asserts that as questioning began she asserted her right to have an attorney present before proceeding. According to her, she was told she needed to proceed. She now asserts that her rights under “Miranda” and the Fifth Amendment were violated and her statements were therefore coerced all in violation of her constitutional right to remain silent.

WHEREFORE, PREMISES CONSIDERED, Defendant prays the Court Order all statements made while she was in custody be suppressed and deemed inadmissible for all purposes.

Respectfully Submitted,

RICHARD H. GARCIA
RICHARD H. GARCIA
State Bar NO. 07643500
Federal I.D.No. 1584

LAW OFFICES OF
GARCIA, QUINTANILLA & PALACIOS
5526 NORTH 10TH STREET
McALLEN, TEXAS 78504
(956) 682-9477 TELEPHONE
(956) 682-0223 FACSIMILE
GQPLAW@YAHOO.COM

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on this the 17th day of July 2019, I electronically filed a “AMENDED” MOTION TO SUPPRESS with the clerk of the court using the CM/ECF system which will automatically send e-mail notification of such filing to **A.U.S.A. ROBERTO LOPEZ**, and to all counsel of record.

RICHARD H. GARCIA
RICHARD H. GARCIA

CERTIFICATE OF CONFERENCE

This is to certify that I, **RICHARD H. GARCIA**, counsel for defendant, consulted with **A.U.S.A. ROBERTO LOPEZ**, assigned to this case in an attempt to obtain the requested relief, with reference to defendant’s “Amended” Motion To Suppress, and he was opposed.

RICHARD H. GARCIA
RICHARD H. GARCIA